



Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4615
Fax: (845) 563-4693

OFFICE OF THE PLANNING BOARD

WEDNESDAY — MARCH 9, 2005 - 7:30 PM
TENTATIVE AGENDA

CALL TO ORDER

ROLL CALL

ANNUAL MOBILE HOME PARK REVIEW:

- a. Windemere Mobile Home Park – Mt. Airy Road

REGULAR ITEMS:

1. **STELLA'S WAY SUBDIVISION (03-08) SCHIAVONE ROAD (CLEARWATER)**
Proposed 3-lot residential subdivision.
2. **SHADOW FAX RUN SUBDIVISION (03-23) JACKSON AVENUE (CLEARWATER)** Proposed 22-lot residential subdivision.
3. **ECONO-LODGE SITE PLAN (03-27) RT. 32 (WINDSOR HWY) (COPPOLA)**
Proposed expansion of hotel rooms.
4. **BRIARWOOD SUBDIVISION (01-60) MT. AIRY ROAD (DI NARDO)**
Proposed 42-lot residential subdivision.

DISCUSSION

5. **RAKOWIECKI SUBDIVISION (01-26) REQUEST PUBLIC HEARING**

ADJOURNMENT

(NEXT MEETING – MARCH 23, 2005)

ANNUAL MOBILE HOME PARK REVIEW:

WINDEMERE MOBILE HOME PARK

MR. PETRO: Windemere Mobile Home Park. Mike, has someone from your department gone there? Do you have any outstanding comments?

MR. BABCOCK: Actually, we were there today and I've got a record here that says there's no violations.

MR. PETRO: You've got to go back again tomorrow. Do you have a check made out to the Town of New Windsor? Are you coming in tomorrow? You can come in and pay Myra, I'll mark it that you're paying it Friday. Motion for one year extension.

MR. MASON: So moved.

MR. SCHLESINGER: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board grant one year extension to the Windemere Mobile Home Park on Mt. Airy Road. Any further discussion from the board members? If not, roll call.

ROLL CALL

MR. SCHLESINGER	AYE
MR. GALLAGHER	AYE
MR. MASON	AYE
MR. MINUTA	AYE
MR. PETRO	AYE

REGULAR ITEMS:

STELLA'S WAY SUBDIVISION (03-08)

Mr. James Clearwater appeared before the board for this proposal.

MR. PETRO: Proposed 3 lot residential subdivision. The application proposes subdivision of two existing parcels into three single family lots. The plan was previously reviewed at the 26 March, 2003, 11 June, 2003 and 27 August, 2003 and 11 August, 2004 planning board meetings. You received approval from the New York State DOT and before the planning board to request conditional final approval. We only have two things to go over, confirm road name and 911 numbering, Town attorney must approve final sewer easement documents, sanitary line must be dedicated to the Town. What's changed on the map since the last time we've seen it, anything, Mr. Clearwater?

MR. CLEARWATER: One big thing is that we have our sewer main extension approval from the DEC, that is not necessarily reflected on the map, we received that last month, that was the main thing that was outstanding. The map itself we still made changes, some minor items Mr. Edsall pointed out, couple areas on the bulk table which we changed. Beyond that it remains the same.

MR. PETRO: Mark, we took lead agency?

MR. EDSALL: Yes, negative dec was on September 22, 2004 and I believe it's in a form ready for conditional final. As I said in my comment number one some of these may be done but I just want to make sure that Phil's written off on all these.

MR. PETRO: Mr. Clearwater, take a copy of Mark's comments as you just did, review them. Is there anything here Mark that cannot be done in conditional

approval, we can do conditional and you can work these out if they're not already done?

MR. EDSALL: Correct, I think it can be as conditional approval.

MR. PETRO: Fire inspector, what's he say there, Mike?

MR. BABCOCK: Mark, do you have both lead agency and negative dec?

MR. EDSALL: Yeah, they were done quite early on in the project.

MR. PETRO: We have public hearing.

MR. CLEARWATER: Oh, yeah.

MR. BABCOCK: I don't have anything here for the negative dec.

MR. EDSALL: I've got it down September 22, '04, we need to do that so we can move forward with the DEC, DEC won't act without a negative dec on record.

MR. BABCOCK: Fire approved on 3/24/03.

MR. PETRO: 9/13/2004 fire approval, so we have, Mr. Clearwater, we have fire approval.

MR. BABCOCK: We have highway approval.

MR. PETRO: All right, you have the comments here, I'm not going to read them all in, just be whatever Mark needs to clear it up, then I'll sign the plans. Okay, is there any other comment from the board members? Anything else they want to see? We've seen it so many times.

MR. MASON: Make a motion for final conditional

approval for the Stella Way subdivision.

MR. SCHLESINGER: Second it.

MR. PETRO: Motion's been made and seconded that the New Windsor Planning Board grant final approval to Stella Way minor subdivision subject to Mark's comments being cleared up and then the plan will be stamped. Anything else from the board members? If not, roll call.

ROLL CALL

MR. SCHLESINGER	AYE
MR. GALLAGHER	AYE
MR. MASON	AYE
MR. MINUTA	AYE
MR. PETRO	AYE

SHADOW FAX RUN SUBDIVISION (03-23)

Mr. David Clearwater and Mr. Drew Kartiganer appeared before the board for this proposal.

MR. PETRO: Proposed 22 lot residential subdivision. This application proposes subdivision of the 70 acre parcel into 22 single family residential lots. Plan was previously reviewed at the 23 July, 2003, 25 February, 2004, 12 May, 2004 planning board meetings. Property is located in R-1 zone district of the Town, the plan has received numerous reviews, most of the attention to the roadway access point, location of wetlands, sight distance and potential drainage problems. You have your latest version of the plans as far as sight distance at this point it's my understanding you need a report from the highway superintendent, until a concept plan is approved by the board, pursuant to input from Mr. Kroll, we will not perform a detailed review. So again we still have preliminary here. I want to state for the minutes I did a site visit here, I would say about a month ago, myself and Mr. Kroll and we went over the site fairly well and again not very pleased with this, where this road comes out. I know you're tired of hearing this, you've been doing a lot of work to lower the road to the north but I think that in my opinion that it's not only that direction, the other direction, when I looked to the south there's a gully in that road down in front of the barn and if a car hits that just right you're not going to see it. And I can't imagine somebody telling me that you could because I stood on that site and looked to the south and there's no way I think if a car's doing 40 miles an hour or even 35 miles an hour if it hits that gully just right that you'd be unable to come out of the turn without being clipped or have a possible real problem. This is number one. And that's assuming to the north you have a plan to lower the road I believe it is to lower the road and get a better sight distance to the north. And number 3 just before

I even go there, Mr. Clearwater, before you even start with that, I want to talk about the power lines. Have you been to Central Hudson and gotten an easement from them to go on their property and cross underneath that?

MR. KARTIGANER: They have an easement on the property, we haven't gone that far because at this point we were trying to get a solution as to where the road's going to go.

MR. PETRO: Let's skip this for a second. Explain to me again why you cannot come out on the lower side of this project? There's also another project being scheduled to be built across the street on this property here down further and I think there's going to be another entranceway onto the road here, why not line up with that entranceway? Did you look into that at all?

MR. KARTIGANER: Are you talking about, I'm sorry, down here?

MR. PETRO: Yes.

MR. CLEARWATER: Want to bring this closer?

MR. PETRO: No, I can see it very good.

MR. KARTIGANER: There's two reasons why we can't get the entranceway in that location and both of them are what I call fatal flaws in that they will stop it no matter what's going on first and it was just confirmed again which is one of the reasons why we went through this whole procedure is that the wetlands, in order to put the road in that area, we'd be disturbing 13,000 square feet of wetlands as opposed to less than the 10% of wetlands that the proposal that you're looking at there has. The problem with the wetlands we'll never get the permit, our wetlands consultant at one point couple months ago said, well, initially, when we

started a couple months ago asked us why we're even looking at it because he said if you have a viable means to go someplace with a road such as this that meets the restrictions, the Army Corps will not give us a permit to cross wetlands in excess of the tenth of an acre permitting requirement. He actually sent both the road locations down to the Army Corps to get a reading and he said that he had spoken to them actually had given us a letter confirming that. The other fatal flaw which is completely separate--

MR. CLEARWATER: Before we start on that, let me speak to the wetlands permit. The Army Corps follows Section 404 of the Clean Waters Act, Clean Waters Act basically says that if you're going to disturb or if you're required to disturb wetlands to get to your site and in this case we have wetlands across the entire frontage of this site from one side to the other in order to get to the high ground we have to cross the wetlands, the Army Corps recognizes that, says fine, you can cross it, but you must cross it in the smallest, narrowest spot so you're disturbing the least amount of wetlands. If we were to bring the road at the location where Mr. Kroll would like where the sight distance is the best without any improvements to Jackson Avenue then we would be disturbing 13,000 square feet of wetlands as opposed to 4,000 square feet of wetlands in the other location the Army Corps says I don't care if the sight distance is better in the northerly location, you have an alternative to disturb less wetlands and put the road over here.

MR. PETRO: But they're saying there's an alternative, I'm saying there's not. I don't like where it comes out there, why would they say there's an alternative, it's better up there? You don't have sight distance to the site as far as I'm concerned, period. What about that law, does that count for anything?

MR. BABCOCK: Yeah, it does.

MR. KARTIGANER: Counts for some but the other problem with putting it in the location that you're talking about is it floods and that was confirmed. First of all, one of the reasons why we stopped pursuing the project before the planning board in May of last year was when I had actually discussed with the Wau's (phonetic) getting a release from a limitation at the location where this road was coming in because I needed that, it was part of a deeded, not built area and in the course of the conversation they asked me what are you going to do when it floods? What do you mean it floods? Their comment was it floods every ten or so years. And I said do you have proof and they handed me within a couple days photographic documentation demonstrating flooding over a 40 year period. The reason it floods and this is a flood study when I forwarded those copies of those pictures around because most people who saw them said okay, it floods, you can't put the road there because of the liability, what would happen is this entire subdivision would be cut off from access out if that road floods and that's the flood study that was done because we then commissioned Mr. Sandor and MJS to do a flood study, you've got 18 square miles of drainage basin draining into this. It's not because it's a stream, it's because you have a railroad right-of-way at this location that has a 10 foot wide or 12 foot wide opening culvert and everything backs up to that. So what was demonstrated by MJS's flood study which we had given to McGoey, Hauser & Edsall for review was that it floods in the 100 year, 50 year and 10 year flood studies.

MR. PETRO: I'm not disputing that but I can tell you one thing, I went and looked at the culvert, there's no way in the world that that culvert under that railroad would cause flooding, I don't think the water's going passed it or there's something blocking it but the culvert is ten foot wide and I can't even see the top, I don't know how high it is.

MR. KARTIGANER: The height's not the problem, it's the width. But also last January I went out which was January 14, we had a heavy rain combined with snow melt, it was not an extreme situation, 10, 50 or 100 year flood site, I shot photographic documentation of the area when it flooded which is what this is, it demonstrated flooding, there's a--

MRL PETRO: I'm not saying it's not flooding, I'm saying there's no way that the culvert is causing the flooding, ten foot wide.

MR. KARTIGANER: This culvert is, that's what the flood study turned out, it floods the drainage basin. When I called initially the Orange County Water Authority and I asked them what's the drainage basin for this, they told me it's all Stewart Airport. When MJS did the study, it's all Stewart Airport and also includes Orange Lake, you're talking 18 square miles.

MR. PETRO: All right, no sense of disputing it. You're going to lower the road to the north of your exit?

MR. CLEARWATER: Right.

MR. PETRO: When you lower that road, why can you not come out on a portion of that road that's being lowered away from the power lines and also away from the southerly problem cause you're not even addressing that?

MR. CLEARWATER: The further you move the road to the north the further you move the intersection to the north--

MR. PETRO: You may disturb 4,000 feet as opposed to 13,000 feet in the bottom, maybe if you move it to the north, you may disturb 7,000 feet but have better sight

distance.

MR. CLEARWATER: You don't, the further you move this intersection to the north, then the worse it gets, looking to the south, I have solved the problem going to the north by regrading it, but if you move the intersection to the north then the problem to the south across if front of Mr. Steidle's house gets worse.

MR. PETRO: But why are you not addressing the problem to the south? There's no way you have sight distance, there's a blind spot that I'm not an engineer and I can know in two seconds that's a blind spot. My wife wouldn't live there because I wouldn't let her go out that driveway, going to get clipped.

MR. CLEARWATER: I'll meet Mark.

MR. PETRO: I'm not saying that you can't see 450 feet, you certainly can, but what about the blind spot in the gully? If I put my car in a certain spot in the gully, you cannot see it if you're standing under those power lines. Do you agree with that?

MR. CLEARWATER: I don't know.

MR. KARTIGANER: When we went out to do the sight distances was the recognition that to the south there was a problem until we relocated the roadway at the location I was standing out there which we're doing it holding it up according to all these highway transportation things, the problem that we had was strictly to the north which was because of the tree line that was there and the fact that there's a, there's a vertical gradient in the road that when they said that they could take it out, if, you know, subject to all the other things we have to do that that would meet the necessary sight distances to the north. The sight lines that you did, the sight lines and basically they met the requirements of the National

Transportation--

MR. PETRO: Well, listen, I'm not saying that they do or they don't, to me there's a reality and then sometimes an engineer will give a report which I think is full of, you know what, then you have reality. I can put a car in that gully and you can't see it from there. So I don't care what sight lines you can draw on a paper or engineer's report doesn't mean a thing.

MR. BABCOCK: If you're taking down the road above it why not raise the road where he's talking about then you have your sight distance. What he's saying is that when the car's in the gully you no longer have sight distance.

MR. KARTIGANER: You're saying raise the gully?

MR. PETRO: I don't know if I'm saying that, you're saying as you move the road to the north you're getting worse sight distance to the south, why not move it 450 feet then you have full sight distance to the south?

MR. KARTIGANER: But then you're on the inside curve of this piece of road here.

MR. PETRO: What's wrong with that?

MR. KARTIGANER: There's an area in here where you start disturbing wetlands once again but you're also not getting the kind of distances that you want because you're literally going to have to straighten out the road something akin to that.

MR. PETRO: If you move the road down to that point how much of the wetlands are you disturbing at that point? You have 4,000 where you have now and 13,000 down where Mr. Kroll wants to go, is there a happy medium in the middle or you have to look into it?

MR. CLEARWATER: I'd have to look into it. I don't, we went all along in here, tried to figure out where the best spot for the road intersection was and tried to keep everybody happy and the Army Corps sight distance.

MR. PETRO: You haven't been to Central Hudson yet because I've checked and you don't know if they're going to say that you can access underneath their power lines for a fact, you don't know that.

MR. KARTIGANER: But we haven't pushed that button because at this point all the way up to until we presented this when we were prepared to ask for scheduling a preliminary plan, we hadn't started that process simply because that's putting the cart before the horse.

MR. SCHLESINGER: I don't know whether I necessarily agree with putting the cart before the horse. Why can't you go to Central Hudson and see whether they'll give you the right-of-way and that answers part of the question?

MR. KARTIGANER: It will answer part of the question and we're looking at doing what I would call full court press to move this project forward. The problem was we couldn't do any kind of press because the issue where the road comes out was the primary issue was going on.

MR. SCHLESINGER: I don't know whether I'm missing something here but can you indicate where the power lines are on the plans?

MR. CLEARWATER: Yes, right here.

MR. KARTIGANER: This is it right here.

MR. CLEARWATER: Here's the string of poles here and the next set is back here, public highways are put underneath power lines, Jackson Avenue runs underneath.

MR. SCHLESINGER: You don't know how they're going to react on the plans plus there seems to be two major issues, the power lines whether you'd get the easement and the sight in the road.

MR. CLEARWATER: Well, where are we going to go with this?

MR. PETRO: Here's what we're going to do. You can verify what I'm saying with the dip in the road, number one, you should not be standing there saying this guy could be full of turkey doo or he's got a good point so do that, number one, look at that. Number two, I want you to go to Central Hudson, not with our recommendation, but just go on your own and find out is this anywhere doable, are you going to allow us to go there. And number three, which is the most important as far as I'm concerned I want you to look at that in the middle as a happy medium coming out down there, if you have to disturb a little bit more wetlands than the 4,000 feet that's maybe what you have to do, I don't see where that's such a real problem right there and you have a better sight distance both ways.

MR. KARTIGANER: Well that as I said I understand what you're saying, the battle that we've got is the further down you go to that the more you're on the inside portion of the curve of the road.

MR. PETRO: You're not sure that it's not good sight distance, still make it, you're already willing to take a Town road and lower it or change it whatever, was going to be very expensive for you, why not explore what I'm saying, eliminates all the headaches. You don't need Central Hudson's blessing, you don't have to worry about the gully, now you created your own site distance, you don't have to change the roads, aggravate the neighbors, it's been that way 150 years, come out here, if you cannot as far as Mr. Kroll said because

you probably are disturbing too much but look at a happy medium, at least you'll know what I'm talking about, right, which is the gully, Central Hudson and whether or not you can cross that one area. All right, do those three things at least.

MR. CLEARWATER: Okay.

MR. PETRO: You're smiling with a little bit of disagreement.

MR. CLEARWATER: I'm just thinking about the wetlands issue.

MR. PETRO: Yeah but you made a good point, they're going to say that you can come out up here and disturb less wetlands, we're not saying that you can come out up there, nobody said that you could. So if you can't then you have to come out so somewhere on your piece of property, you need a letter from the planning board, we don't want it up here, we're telling you we don't, highway superintendent doesn't want it there, nobody wants it there. I'm not even sure that you want it there. You're doing it because you feel like you have to do it there but if you can find a better spot and I think it's down in the center there somewhere which is not the worse but it's certainly not the easiest why not explore that idea.

MR. MINUTA: I have a question. Is there an alternate method near lot area 8?

MR. KARTIGANER: No, that's worse wetlands.

MR. CLEARWATER: There's a stream crossing.

MR. KARTIGANER: That's actually a detailed flood zone based upon the flood maps.

MR. MINUTA: Based on the pink area, I believe that

section once you hit the road is outside that flood area which would be the lower left-hand corner.

MR. KARTIGANER: This is a stream right here.

MR. CLEARWATER: This is the stream and there's wetlands here and it floods this whole thing here.

MR. MINUTA: So if I'm reading this correctly to the north on the road the flood area actually follows the pink line and is within that section, correct?

MR. KARTIGANER: You're saying this little spot right here?

MR. CLEARWATER: The road itself.

MR. MINUTA: Is clear of flood zone.

MR. CLEARWATER: That's correct, same as this area right around Wau's house immediately.

MR. MINUTA: Is that an exploreable option?

MR. CLEARWATER: No because you've got to cross all this area that's flooded regardless of where you go across here.

MR. MINUTA: Depending on where you reroute the road it could come that way and cross that section, I'm putting this out as speculation.

MR. CLEARWATER: The problem is you're not only crossing the stream, you're crossing the federal wetlands as well as being flooded.

MR. MINUTA: You're crossing federal wetlands wherever you go.

MR. CLEARWATER: That's right but I have to cross in

the most narrowest spot which is up here.

MR. MINUTA: We still have the problem of sight distance and losing a life versus--

MR. PETRO: A narrower spot to satisfy the DEC but they'll bend to a point, if there's no access up there and that's kind of like I think what I'm saying.

MR. CLEARWATER: We met with the Army Corps on site, where Mr. Kroll wants the road to come out is this wetlands, we flagged it, is it truly wetlands, yup, it's wetlands, I can't, I wasn't trying to convince them that.

MR. PETRO: I'm not saying exactly where Mr. Kroll said.

MR. KARTIGANER: You're saying someplace closer to over here.

MR. PETRO: Correct, that I will give you that eliminates the dip in the road and from one of those points to your, you may not have to lower the road any more, you follow what I'm saying and create sight distance both ways and you're away from the power lines, don't need Central Hudson anymore.

MR. BABCOCK: You control that because you own the property as far as the inside turn so you can make the sight distance there.

MR. KARTIGANER: We can do that. The question is whether we can make it work with the wetland.

MR. CLEARWATER: Henry was quite specific, he did not want us to have to clear trees or he didn't want the onus on him in the future that the sight triangle that he had to keep the sight triangle clear, he didn't want to do it.

MR. KARTIGANER: We'll study what you're requesting.

MR. PETRO: We're trying to get a happy medium, he may have to bend just a little bit if you're trying to work with us to get it away from where it is now, we'll have to look at it again with different eyes.

MR. KARTIGANER: One point that I will tell you that I want to get out of this meeting just for clarity to the planning board for your understanding is that the location where Henry basically said this is where I want you to put the road is not a viable option given the wetlands and given the flooding conditions and that's the issue that I mean we'll look at this area up here which is the high lands but the area down in here because of the flooding and because of the wetlands location is not going to be a viable option under any circumstances.

MR. PETRO: I won't address that, I know you said it, it's in the minutes, I don't know if it's all 100 percent or not, I'm not disputing it, to me right now it's a moot point. Look at what I said. You understand it 100 percent, I'm sure you do also and try to come out with something over there, take a look at it and see if it's viable.

MR. KARTIGANER: Okay.

MR. PETRO: And I think that that would solve the problem all the way around. Okay?

MR. KARTIGANER: Okay.

MR. SCHLESINGER: I have another question. You have lots 3 through 8 depicted on the map yet there are deed restrictions that are restricting any sort of structures?

MR. KARTIGANER: That's proposed by us with the specific intent of trying to maintain the natural condition of that area.

MR. SCHLESINGER: So you want to impose the deed restriction?

MR. KARTIGANER: There's a deed restriction in that location already directly across from the Wau's house when the property transferred but we were adding that as a condition given this type of layout because the concept that we wanted to try to put together was basically we're going to leave what is it like 8,900 lineal feet of road left undisturbed which I think is a good thing to keep.

MR. SCHLESINGER: They're not buildable lots?

MR. KARTIGANER: No, they're buildable lots but the 200 feet at the back of it is not to be touched, this is like forever wild is what we had done on the other sight too.

MR. SCHLESINGER: Thank you.

March 9, 2005

20

ECONO-LODGE SITE PLAN (03-27)

MR. PETRO: They're not here, correct?

MR. EDSALL: Number 3 has canceled. According to Myra, they didn't have what they believe was adequate notice to make it to the meeting.

March 9, 2005

21

BRIARWOOD SUBDIVISION (01-60)

MR. PETRO: Number 4?

MR. EDSALL: Number 4 I had taken off the agenda because they were added to the agenda on the understanding that they would need to have their storm water pollution prevention plan in final form. It was not, there are several comments that our office generated that may affect the layout so we took them off and they're rescheduled for the next meeting.

DISCUSSION

RAKOWIECKI SUBDIVISION (01-26)

MR. PETRO: Number 5, do you have that?

MR. EDSALL: I have number 5. There's a letter written that I was aware they were going to send requesting that the planning board authorize the public hearing for the Rakowiecki subdivision. I would suggest that you do so with the date to be set when their plans are in and their storm water pollution prevention plan has been deemed acceptable.

MR. PETRO: Motion to schedule a public hearing.

MR. SCHLESINGER: I'll make a motion to schedule a public hearing.

MR. GALLAGHER: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board schedule a public hearing for the Rakowiecki subdivision once their storm water pollution prevention plan is in place and submitted to the engineer for review and approval. Any further discussion from the board members? If not, roll call.

ROLL CALL

MR. SCHLESINGER	AYE
MR. GALLAGHER	AYE
MR. MASON	AYE
MR. MINUTA	AYE
MR. PETRO	AYE

ZONING AMENDMENTS

NC & C ZONE

MR. EDSALL: Three items which we need to address tonight, first two involve proposed zoning amendments. The attorney for the Town, Phil Crotty, sent a memo to Mr. Petro as Planning Board Chairman requesting your evaluation and response back to the Town Board on two zoning issues. The first one was raised questioning whether or not hotels and motels were permitted in the NC zone. They're currently allowed in the C zone, not in the NC. The Town Board and the Town attorney believe that there's no reason why they shouldn't be allowed. They asked Mike and I to look at the bulk requirements, we did so, we're recommending that subject to your agreement that the Town Board authorize or seek adding to the NC zone hotels and motels. We want to increase the bulk number to 100,000 square foot from 80 only because we looked at parking requirements and so on, we think 100 is more appropriate and correct what we think is an error in the code which had 20 percent development coverage which is quite ridiculous, raise it to 85 which is the standard we have been using and these numbers then would match between the NC and the C zone. They're looking for your recommendation or concurrence so the Town Board can act.

MR. PETRO: We can give a positive recommendation to the Town Board. You want to do that in the form of a motion?

MR. EDSALL: That would work.

MR. PETRO: Need a motion to the Town Board for positive recommendation to have hotels included in our bulk table for NC zone with the changes to the bulk table that Mark just read in.

MR. EDSALL: Correction to the C and addition to the

NC.

MR. SCHLESINGER: Make that motion as just stated by the chairman.

MR. GALLAGHER: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board make a positive recommendation to the Town Board with everything as I just said, I'm not going to repeat it, this is for the hotels in the NC zone with all the corrections to the bulk table and the C zone and NC zone. Any further comment from the board members? If not, roll call.

ROLL CALL

MR. SCHLESINGER	AYE
MR. GALLAGHER	AYE
MR. MASON	AYE
MR. MINUTA	AYE
MR. PETRO	AYE

OLI ZONE

MR. EDSALL: The second memo that Mr. Crotty sent to the chairman was from January 31st for your consideration of modification to the OLI zone which would allow dog pounds, animal shelters, adoption facilities, spay and neuter, police horse care and boarding, other similar functions. Facility would accommodate such future programs as may involve students, seniors, youth groups and others in programs involving animals and socialization programs. It is an effort to make an existing use that the City of Newburgh has there comply with the zoning. My only suggestion would be is that you make it say municipally operated dog pound so this doesn't result in that use being universally allowed.

MR. SCHLESINGER: What kind of condition would that be?

MR. EDASLL: The way they're proposing it, it would be a special permit from the Town Board with site plan review by the planning board, so it's going to be very closely controlled and again I suggest you add municipally operated only because this is not a use that you just generally want to have.

MR. PETRO: Why are you making it special use permit from the Town Board, why not a special use permit from the Planning Board?

MR. EDSALL: That's how Mr. Crotty is proposing it.

MR. PETRO: Although I've got to say in the 14 years that I've been here we've only had one, so we don't get too many of these dog pounds.

MR. EDSALL: Well, in the particular case of you saying municipally operated it would probably be good for the Town Board to--

MR. PETRO: Motion for OLI, addition of municipally operated dog pounds added to it in the manner that Mark expressed.

MR. SCHLESINGER: I'll make the motion as so stated by the chairman.

MR. GALLAGHER: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board give a positive recommendation to the Town Board to have municipal dog pounds added to the OLI zone as Mr. Edsall had talked about it earlier. Any further discussion from the board members? If not, roll call.

ROLL CALL

March 9, 2005

26

MR. SCHLESINGER	AYE
MR. GALLAGHER	AYE
MR. MASON	AYE
MR. MINUTA	AYE
MR. PETRO	AYE

BEATTIE ROAD ASSOCIATION

MR. EDSALL: Last item there was a piece of correspondence from the Orange County Real Property Tax Service Agency to the chairman regarding what they call was a property split by deed property on Beattie Road or more commonly known as a deed subdivision or as it's known in our ordinance as of the last writing an illegal lot, you might recall the application Beattie Road Association that's been in front of you.

MR. SCHLESINGER: Is that Biagini?

MR. EDSALL: No, apparently they for some reason were not patient enough to wait for you to approve the subdivision, so they for some reason went on to the County and filed deeds to create two new lots which are according to the New Windsor code illegal lots. Mr. Crotty said that in accordance with this Section 257-20 Subsection M it says the planning board shall not entertain an application regarding a lot or land that has been the subject of an illegal subdivision or lot line change.

MR. PETRO: Did somebody do something that broke the law?

MR. EDSALL: I would think so. What Mr. Crotty believes is appropriate you should refer this back to him, he will in effect advise the applicant that their application is null and void, that they must re-combine the lot the way it was and then reapply if they care to proceed again.

MR. PETRO: I think we're in concurrence that we should refer this back to Mr. Crotty.

ROLL CALL

MR. SCHLESINGER AYE

MR. GALLAGHER AYE
MR. MASON AYE
MR. MINUTA AYE
MR. PETRO AYE

MR. EDSALL: Thank you.

MR. SCHLESINGER: Why would somebody go to Orange County?

MR. BABCOCK: Anybody can go there tomorrow and file deeds and in the olden days that's how you did it but today you have to have the planning board map to file with the deeds so once they filed it the County sent us a letter saying I've got these deeds but they didn't show up with a map. Is this okay? We want to send a letter back to the County saying no.

MR. MASON: What does the County do?

MR. BABCOCK: They won't file them. We're going to send a letter saying please don't file.

MR. MASON: So that he wasted a lot of time.

MR. PETRO: Yes.

MR. GALLAGHER: County backs out of it.

MR. BABCOCK: It's actually the deed that they will create or would have created if this board were to give them a stamp of approval, the lots are exactly what the plan is proposed, it's a 5 lot subdivision, they only filed for two, they just need to get going.

MR. SCHLESINGER: But by Mr. Crotty telling the County that no, you can't approve that then actually nothing was done so--

MR. PETRO: They have to start all over and they

March 9, 2005

29

obviously can't come but in the meantime they can't come to Mike to get a building permit.

MR. BABCOCK: Right.

MR. PETRO: Anything else? Motion to adjourn?

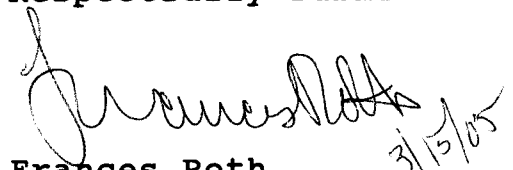
MR. SCHLESINGER: So moved.

MR. MINUTA: Second it.

ROLL CALL

MR. SCHLESINGER	AYE
MR. GALLAGHER	AYE
MR. MASON	AYE
MR. MINUTA	AYE
MR. PETRO	AYE

Respectfully Submitted By:


Frances Roth
Stenographer
3/15/05